IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 11183 of 2007(F)

EP.280/04 IN OS.397/2003 of MUNSIFF COURT, VAIKOM

.....

PETITIONER:

M.J.THOMAS, ELUMANATHARA HOUSE,
CHEMMANATHU KARA, VAIKOM VILLAGE.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENT:

N.K.SOMAN, S/O.K.N.KRISHNAN ACHARI,
THUNDATHARA HOUSE, NADUVILA VILLAGE,
VAIKOM P.O.,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 11183 of 2007 F

JUDGMENT

The petitioner is the decree holder in O.S.No. 397/03 on the file of the Munsiff's Court, Vaikom. He filed E.P.No.280/04 in the said suit to have the decree executed. The grievance of the petitioner/ decree holder is that despite pendency of the execution petition for the last three years, he is not getting the fruits of the decree and that, therefore, appropriate directions be given to the court below to dispose of the execution petition within a time frame.

2. Extract of the execution diary is produced as Exhibit P1. It shows that sale of the property was conducted on 29.7.2005, but that the judgment debtor has filed a few execution applications and those are being posted for consideration and yet, no orders have been passed thereon. With the result, the sale conducted more than one and a half

years ago is not yet confirmed.

3. In the result, I direct the Munsiff, Vaikom to consider the pending execution applications in E.P.No.280/04 in O.S.No.397/03 on the file of his court and dispose of them positively within four months from today.

This writ petition is disposed of with the above directions.

30th March, 2007 (K.P.Balachandran, Judge)

tkv